

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 15,904
)	
Appeal of)	
)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her General Assistance (GA) for temporary housing. The issue is whether the petitioner has an emergency need within the meaning of the pertinent regulations. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioner is a single woman who receives SSI disability payments of \$532 a month. She returned to live in Vermont in November, 1998. Since returning to Vermont she has resided in motels while she looks for permanent housing.¹

2. The petitioner first applied for GA on February 10, 1999, for help with paying for her motel room. The Department denied the application when it confirmed at that time that the petitioner was paid up for her room until February 15, 1999. The Department referred the petitioner to a local emergency shelter for help in finding a permanent residence, and told her that she might be eligible for GA if she found such a place.

¹The petitioner has been approved for a Section 8 housing subsidy once she finds a suitable permanent residence.

3. The petitioner applied for GA again on February 22, 1999. She was still at the motel; and the Department granted her enough GA benefits to pay for her motel room until March 1, 1999, when her SSI check would arrive.

4. The petitioner again applied for GA on March 15, 1999. At that time she was still at the motel. The Department denied her application because it determined that the petitioner still had money from her SSI check to pay for a few more days at the motel. The petitioner's appeal of that decision led to the instant fair hearing.

5. In the meantime, on March 26, 1999, the petitioner again applied for GA. The petitioner reported at that time that the motel where she had been staying had locked her out on March 18. However, the motel informed the Department that it would refund to the petitioner some of the room rent she had paid in advance. The Department granted the petitioner GA for 7 days of room rent, but informed her that if she were unable to secure permanent housing and continued to apply for GA for motel rooms she would be expected to use 80 percent of her income toward her room rent for the next 30 days--until April 24, 1999.

6. At the hearing in this matter, held on April 7, 1999, the petitioner did not dispute that she had been able to secure motel rooms by her own means, or through subsequent grants of GA, since the denial of her application for GA on March 15, 1999. She takes issue with the fact

that the Department is expecting her to apply 80% of her income toward meeting her own temporary housing needs. The petitioner stated she needed extra money to buy food, bus fare, and clothing, and that it was an "insult" to her for the Department not to recognize her other needs. However, despite being advised to do so at the time of her initial application for GA, it was not until immediately following the hearing that the petitioner applied for Food Stamps. Assuming she is eligible for Food Stamps, this would leave her with over \$100 a month to put toward transportation and other essential needs.

ORDER

The Department's decision is affirmed.

REASONS

The GA regulations, at W.A.M. § 2600C, provide that applicants without minor children are eligible for GA only if their income in the last 30 days is "below the applicable ANFC payment level for that size household in similar living arrangements" unless the applicant has exhausted all available income and resources and is facing a "catastrophic situation" as defined by W.A.M. § 2602--i.e., is facing a court-ordered or constructive eviction "beyond the control" of the applicant. Also under § 2606, "all available income

and resources must be exhausted".

The petitioner's income of \$532 a month is in excess of the ANFC payment standard of \$448. The Department has informed the petitioner that it will grant GA to help her secure suitable permanent housing if she can find it. Assuming she is eligible for food stamps, it does not appear that the petitioner has any other inordinate expenses for immediate necessities. Under these circumstances, and in light of the above regulations, it cannot be concluded that the Department is being unreasonable to expect her to use most of her available income to meet her immediate temporary housing needs. Inasmuch as the Department's actions in this matter are in accord with the pertinent regulations the Board is bound by law to affirm. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

#